

REMARKS

This is in full and timely response to the non-final Official Action of October 16, 2008. Reexamination in light of the following remarks is respectfully requested. No new matter has been added. Claims 1, 4, 8-11, 15 and 18-22 are currently pending in this application, with claims 1 and 11 being independent.

I. Claim Rejections – 35 U.S.C. § 103

Claim 1, 4-5, 8-11, and 14-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baxter et al. (US 20030229637; pub. date: Dec. 11, 2003) in view of Horn (US 20040177319; pub. date: Sep. 09, 2004). The rejection is respectfully traversed for reasons set forth below

1. Claim 1

Claim 1 is directed to a file managing apparatus for displaying a catalog of files indicating thumbnail images and extracted text on a display unit, based on an index file recorded on a recording medium and managing files recorded on the recording medium by resorting to the index file recorded on said recording medium, in which an entry for temporary management is provided so that a file to be deleted is stored temporarily thereunder; wherein said index file is made up of a text entry file formed of entries of extracted text, an image entry file formed of entries of thumbnail images, and a property entry file formed of entries of properties for managing the entries of thumbnail image and the entries of extracted text, the thumbnail images being arranged to correspond with said files; wherein the property entry file further includes hierarchy management information which expresses a hierarchical structure of said files recorded on said recording medium; wherein in said property group, entries concerning said files are furnished with entry-related management information which indicates relation between the entries of thumbnail images and the entries of extracted text based on the files from which the thumbnail images and the extracted text are extracted, and with file-related management information which shows relation between the files and the entries of thumbnail images and extracted text which correspond to the

files; wherein, when deletion of said file is instructed using the catalog of said files indicating the thumbnail images and the extracted text, displayed based on the index file, said file managing apparatus changes, with keeping said entry-related management information and said file-related management information which is set for said file to be deleted unchanged, the hierarchy management information, which is set for the entry of said file to be deleted, in such a manner that said hierarchy management information points to said entry for temporary management; wherein the display unit displays the thumbnail image and the extracted text about said entry furnished with said hierarchy management information which has been changed so as to point to said entry for temporary management, and wherein said file managing apparatus changes said hierarchy management information so as to point to a predetermined entry, when an instruction is given to restore said file associated with the entry furnished with said hierarchy management information which has been changed to point to said entry for temporary management.

The Office Action alleges that “Baxter discloses ... said file managing apparatus changing the hierarchy management information which is set for the entry of said file to be deleted, in such a manner that said hierarchy management information with keeping said entry-related management information and said file-related management information unchanged regardless of the instruction of the deletion (abstract; [0168])”.

Baxter et al. arguably teaches a method and apparatus for safeguarding files. In abstract of Baxter, in a first embodiment, a file to be safeguarded on a first computer is copied to a second computer and is deleted from the first computer, and in a second embodiment thereof, a file is copied to a second computer to safeguard the file, but not deleted from the first computer. Horn arguably teaches a computer system for automatic organization, indexing and viewing of information from multiple sources. Please note that, in a second embodiment of Baxter, deletion of a file is not instructed. Moreover, in paragraph [0168] of Baxter discloses “1. Computer programs that generate documents needing protection store or make duplicates of them (possibly temporarily) at predictable location(s) on the client’s network.”

According to the claimed invention, in said property group, entries concerning said files are furnished with entry-related management information which indicates relation between the entries of thumbnail images and the entries of extracted text based on the files from which the thumbnail images and the extracted text are extracted, and with file-related management information which shows relation between the files and the entries of thumbnail images and extracted text which correspond to the files.

Although Baxter arguably teaches that files (document or publication) are deleted, it fails to teach the treatment of related entries when deletion of a file is instructed. That is, Baxter fails to disclose, teach or suggest “when deletion of said file is instructed using the catalog of said files indicating the thumbnail images and the extracted text, displayed based on the index file, said file managing apparatus changes, with keeping said entry-related management information and said file-related management information which is set for said file to be deleted unchanged, the hierarchy management information, which is set for the entry of said file to be deleted, in such a manner that said hierarchy management information points to said entry for temporary management. This feature is not disclosed, taught or suggested in the paragraphs which are indicated in the Office Action. Applicants respectfully request that Examiner indicate what phrases in the applied art indicate this feature.

If the Office Action relies on Official Notice with regard to this point, Applicants respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

The Office Action alleges that “Baxter discloses ... said index file is formed by a series of entries constituted by blocks of extract information about said files, said extract information being arranged to correspond with said files ([0100]).”

As a preliminary matter, the corresponding element of claim 1 has been amended to read “said index file is made up of a text entry file formed of entries of extracted text, an image entry file formed of entries of thumbnail images, and a property entry file formed of entries of properties for

managing the entries of thumbnail image and the entries of extracted text, the thumbnail images being arranged to correspond with said files.”

However, Baxter nowhere teaches that an index file is made up of a text entry file, an image entry file and property entry file.

Since the Office Action relies on [0012] and [0100] to establish prima facie case of obviousness, and Baxter nowhere teaches an index file is made up of a text entry file, an image entry file and property entry file, the requirements of prima facie case has not been met. If the Office Action relies on Official Notice with regard to this point, Applicants respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Also, the Office Action alleges that “Baxter discloses ... hierarchy management information which is set for each of said entries and which primarily points to another entry is provided to express a hierarchical structure of said files recorded on said recording medium ([0007])”.

As a preliminary matter, the corresponding element of claim 1 has been amended to read “the property entry file further includes hierarchy management information which expresses a hierarchical structure of said files recorded on said recording medium.”

At paragraph [0007], Baxter only discloses “[t]he invention broadly comprises a computer implemented method for safeguarding files, including the steps of designating a location on a first computer for storage of files to be safeguarded, selecting certain of the files to be safeguarded from the location based upon predetermined selection criteria, copying the selected files to be safeguarded to a second computer, deleting the selected files from the first computer, processing the selected files to be safeguarded on the second computer, and storing the selected files to be safeguarded in a restricted access database. In a second embodiment, the file to be safeguarded is copied to a second computer, but not deleted from the first computer, in addition to

all the other steps of the method.” Baxter fails to disclose, teach or suggest “the property entry file further includes hierarchy management information which expresses a hierarchical structure of said files recorded on said recording medium.”

Thus, the Office Action seems to ignore claim languages, that is, “information which expresses a hierarchical structure of said files recorded on said recording medium.” That is, Baxter only teaches designation of a location of a first computer for storage of files or storing the selected files in a restricted access database. Thus, Baxter fails to disclose, teach or suggest “hierarchy management information which expresses a hierarchical structure of said files recorded on said recording medium.”

If the Office Action relies on Official Notice with regard to this point, Applicants respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Furthermore, the applied art including Baxter and Horn fails to disclose, teach or suggest “given an instruction to restore said file associated with the entry furnished with said hierarchy management information which has been changed to point to said entry for temporary management, said file managing apparatus changes said hierarchy management information so as to point to a predetermined entry which is for an entry determined by a user in advance or an entry designating by the user.”

Thus, Applicants believe that claim 1 is patentable over the applied art, since the applied art including Baxter and Horn fails to disclose, teach or suggest that these features of claim 1. Accordingly, withdrawal of the rejection and allowance of the claim is respectfully requested.

2. Claims 4, 8-10 and 15

Applicants respectfully submit that since claims 4, 8-10, and 15 depend on claim 1, they are allowable for at least the reasons that claim 1 is allowable respectively and they are further

allowable by reason of the additional limitations set forth therein. Accordingly, withdrawal of the rejection and allowance of the claims is respectfully requested.

3. Claims 5, 14, 16 and 17

Claims 5, 14, 16 and 17 have been canceled by the foregoing amendment. Therefore, the rejection of claim claims 5, 14, 17 and 17 is now moot.

4. Claim 11

Claim 11 is directed to a file managing method for displaying a catalog of files indicating thumbnail images and extracted text on a display unit, based on an index file recorded on a recording medium and managing files recorded on the recording medium by resorting to the index file recorded on said recording medium, in which an entry for temporary management is provided so that a file to be deleted is stored temporarily thereunder; wherein said index file is made up of a text entry file formed of entries of extracted text, an image entry file formed of entries of thumbnail images, and a property entry file formed of entries of properties for managing the entries of thumbnail image and the entries of extracted text, the thumbnail images being arranged to correspond with said files; wherein the property entry file further includes hierarchy management information which expresses a hierarchical structure of said files recorded on said recording medium; and wherein in said property group, entries concerning said files are furnished with entry-related management information which indicates relation between the entries of thumbnail image and the entries of extracted text based on the files from which the thumbnail images and the extracted text are extracted, and with file-related management information which indicates relation between the files and the entries of thumbnail images and extracted text corresponding to the files; said file managing method comprising the step of changing the hierarchy management information which is set for the entry of said file to be deleted, in such a manner that said hierarchy management information points to said entry for temporary management, with keeping said entry-related management information and said file-related management information which is set for the entry of said file to be deleted, unchanged, when deletion of said file is instructed using the catalog of said

files indicating the thumbnail images and the extracted text, displayed on the index file, displaying thumbnail image and the extracted text about said entry furnished with said hierarchy management information which has been changed so as to point to said entry for temporary management, and changing said hierarchy management information so as to point to a predetermined entry, given an instruction to restore the file associated with the entry furnished with said hierarchy management information which has been changed to point to said entry for temporary management.

Similarly to claim 1, the applied art fails to disclose, teach or suggest that “a step of changing the hierarchy management information which is set for the entry of said file to be deleted, in such a manner that said hierarchy management information points to said entry for temporary management, with keeping said entry-related management information and said file-related management information which is set for the entry of said file to be deleted, unchanged, when deletion of said file is instructed using the catalog of said files indicating the thumbnail images and the extracted text, displayed on the index file.”

Also, the applied art fails to disclose, teach or suggest “said index file is made up of a text entry file formed of entries of extracted text, an image entry file formed of entries of thumbnail images, and a property entry file formed of entries of properties for managing the entries of thumbnail image and the entries of extracted text, the thumbnail images being arranged to correspond with said files.”

Moreover, the applied art fails to disclose, teach or suggest “the property entry file further includes hierarchy management information which expresses a hierarchical structure of said files recorded on said recording medium.”

Thus, claim 11 is patentable over the applied art. Accordingly, withdrawal of the rejection and allowance of the claim is respectfully requested.

III. Newly Added Claims

By the foregoing amendment, Applicants have added claims 18-22 in order to claim various features of the invention. Since they depend on independent claim 11, they are allowable for at least same reasons that claim 11 is allowable.

IV. Conclusion

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3114 from which the undersigned is authorized to draw.

Dated: January 9, 2009

Respectfully submitted

By  1/9/2009

Ronald P. Kananen

Registration No.: 24,104

Christopher M. Tobin

Registration No.: 40,290

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorneys for Applicants